

FILED

NOV 25 2014

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

LOUIS DeROSIER,

Petitioner,

vs.

LEROY KIRKEGARD; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 13-215-M-DWM-JCL

ORDER

This matter comes before this Court on Petitioner Louis DeRosier's writ of habeas corpus under 28 U.S.C. § 2254. DeRosier is a state prison proceeding pro so. United States Magistrate Judge Lynch recommends denying the petition on the merits and denying a certificate of appealability. (Doc. 14.)

DeRosier is entitled to *de novo* review of the specified findings or recommendations to which he objects. 28 U.S.C. § 636(b)(1). The Court reviews the Findings and Recommendations not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

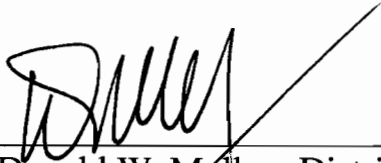
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). DeRosier has not filed any objections and the Court finds no clear error in Judge Lynch’s determination that the Montana Supreme Court’s conclusion that DeRosier did not show sufficient prejudice was reasonable and that DeRosier’s remaining claims lack merit.

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 14) are ADOPTED IN FULL. DeRosier’s petition for writ of habeas corpus (Doc. 1) is DENIED for lack of merit.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 25th day of November, 2014.



Donald W. Molloy, District Judge
United States District Court